

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. Assembly Bill (AB) 231 (Chapter 743, Statutes of 2003) becomes effective January 1, 2004. AB 231 adopts Welfare and Institutions Code Section 18901.9 which allows the California Department of Social Services to align its vehicle resource rules governing the Food Stamp Program with those of an alternative program. Under the authority of this statute, the food stamp regulations will be aligned with those of the CalWORKs Child Care Program, and, consequently, vehicles are exempt from being counted as resources when determining food stamp eligibility as allowed in Public Law 106-387, Section 847(a) and proposed 7 CFR 273.8(f)(4) as published in Federal Register Volume 68, No. 168, Page 51933 on August 29, 2003. Existing law requires CalWORKs to use the Food Stamp Program vehicle evaluation rules when determining eligibility for the CalWORKs Program. AB 231 eliminates this requirement and amends Welfare and Institutions Code Section 11155 to establish treatment of motor vehicles when determining CalWORKs eligibility.
- 2) The nonemergency rulemaking process, as defined in the Administrative Procedures Act, would not allow these regulations to be implemented by January 1, 2004.
- 3) A delay in the implementation of these regulations may put the California Department of Social Services (CDSS) at risk of legal action that could be brought about by households who have not been granted appropriate benefits due to a delay in implementing these regulations.
- 4) Therefore, to decrease the risk of legal action against CDSS and to protect the health and safety of California's CalWORKs eligible population by allowing them to receive the maximum benefits to which they are entitled, these regulations are adopted on an emergency basis to be effective January 1, 2004.

INFORMATIVE DIGEST

Assembly Bill (AB) 231 (Chapter 743, Statutes of 2003) becomes effective January 1, 2004. AB 231 adopts Welfare and Institutions Code Section 18901.9 which allows the California Department of Social Services to align its vehicle resource rules governing the Food Stamp Program with those of an alternative program. Under the authority of this statute, the food stamp regulations will be aligned with those of the CalWORKs Child Care Program, and, consequently, vehicles are exempt from being counted as resources when determining food stamp eligibility as allowed in Public Law 106-387, Section 847(a) and and proposed 7 CFR 273.8(f)(4) as published in Federal Register Volume 68, No. 168, Page 51933 on August 29, 2003. Existing law requires CalWORKs to use the Food Stamp Program vehicle evaluation rules when determining eligibility for the CalWORKs Program. AB 231 eliminates this requirement and

amends Welfare and Institutions Code Section 11155 to establish treatment of motor vehicles when determining CalWORKs eligibility. It is the intent of the Legislature that the current Food Stamp Program rules governing treatment of motor vehicles continue to apply in the CalWORKs Program. Therefore, the current Food Stamp Program regulations, located in the California Department of Social Services Manual of Policies and Procedures, governing treatment of motor vehicles, are being moved from Division 63 (Food Stamp Program Manual) to Division 42 (Eligibility and Assistance Standards Manual).

COST ESTIMATE

1. Costs or Savings to State Agencies: Additional expenditures of approximately \$145,000 in the current State Fiscal Year.
2. Costs to Local Agencies or School Districts: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: No county fiscal impact exists because the costs (\$48,000) are countable towards the County Maintenance of Effort for the CalWORKs Program. However, the SGF MOE dollars must be increased to backfill this \$48,000.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$159,000 in the current State Fiscal Year.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are "state-mandated local costs" in these regulations, which require federal and state reimbursement due to the increased administrative costs under Section 17500 et seq. of the Government Code. These regulations are mandated by the passage of AB 231, and will make more applicants eligible for the Food Stamp Program. There will be increased costs for the remaining CFAP population; however, the majority of the increased costs of benefits are paid entirely by the federal government.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554 and 18904. Subject regulations implement and make specific Welfare and Institutions Code Section 18901.9 and 11155.